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6 UNITED STATES DISTRICT COURT

7 FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 JOSEPH D. SPILLERS,

No. 2:24-cv-1865 WBS CKD P

10 Petitioner,

11 ORDER

12 PATRICK COVELLO,

13 Respondent.

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15 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas
16 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate
17 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On October 15, 2025, the magistrate judge filed findings and recommendations herein
19 which were served on all parties and which contained notice to all parties that any objections to
20 the findings and recommendations were to be filed within twenty-one days. Neither party has
21 filed objections to the findings and recommendations.

22 The court presumes that any findings of fact are correct. See Orand v. United States, 602
23 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
24 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having
25 reviewed the file, the court finds the findings and recommendations to be supported by the record
26 and by the magistrate judge's analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed October 15, 2025, are adopted in full;
- 3 2. Respondent's motion to dismiss (ECF No. 16) is granted;
- 4 2. The second amended petition for writ of habeas corpus (ECF No. 9) is dismissed;
- 5 3. The Clerk of Court shall close this action; and
- 6 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §

7 2253.

8 Dated: November 19, 2025



9 **WILLIAM B. SHUBB**

10 **UNITED STATES DISTRICT JUDGE**

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